

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Cause No. 1:13-cr-00104-WTL-DKL
	)	
REGINALD T. WALTON, and	)	-01
DAVID JOHNSON,	)	-03
	)	
Defendants,	)	

**Government's Tender of Proposed Voir Dire Questions**

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Bradley A. Blackington and Cynthia J. Ridgeway, Assistant United States Attorneys, respectfully files its proposed voir dire questions to be asked by the Court of potential jurors at the trial of this matter scheduled to commence March 3, 2015.

**I. GENERAL QUESTIONS**

1. If selected to be one of the jurors in this case, you will be the judges and finders of fact in the case. The Court will instruct you as to what the law is and you will be bound to follow these instructions. Are you willing and able to follow the law as instructed by this Court? Do any of you know of any reason you could not follow the instructions of the Court, because you might have a different idea or opinion of what the law should be? For example, do any of you believe so strongly that you could not judge the actions of an individual for religious or other reasons, that you would have reservations applying the law and returning a verdict as the Court instructs you?

2. Have any of you heard or read anything about this case in the news? You will be instructed to disregard any preconceived notions about the case and judge the facts based only on the evidence you see or hear in these court proceedings. Will each of you be able to abide by this instruction?

3. Have any of you or any close relatives or friends of yours been charged with a criminal offense, either a misdemeanor or a felony (other than a minor traffic offense), or had other experience with the criminal justice system? How did you feel about the fact you or your relative/friend was charged with a crime? Why do you feel that way?

4. Have any of you ever had an unfavorable experience with a police officer or law enforcement official whether local, state, or federal? If so, what happened? How did you feel about this outcome?

5. Have you or has any relative or close friend of yours been involved in any lawsuit involving the government? Was the dispute resolved to your satisfaction? Would anything about that experience prevent you from serving as a fair juror in this case?

6. Have any of you been a victim of a crime? What type of crime was involved? Was it solved? Keeping in mind that no one in the room is alleged to be the victim of the crime charged here, would anything about that experience affect your ability to impartially weigh the evidence in this case? Why or why not?

7. Do any of you have any opinions or beliefs regarding the federal government and its authority or any religious beliefs that would prevent you from serving as a fair juror in this case? If so, please explain at side bar.

8. The government must prove the essential elements of each offense with which the defendant is charged beyond a reasonable doubt. If evidence of the essential elements of each

charge convinces you that the defendant is guilty beyond a reasonable doubt, are there any of you who would be hesitant for any reason to find the defendant guilty? Why or why not?

9. In order to return a verdict in this case, you will be asked to find facts beyond a reasonable doubt that you did not personally observe. Do any of you have reservations with this task?

10. Have any of you been called for jury duty before today? If so, did you serve on a jury? Was it a civil or a criminal case? Was the jury able to reach a verdict? What was it? If you deliberated to a hung jury, which way did you cast your vote?

11. At the conclusion of the case, the Court will instruct you as to the law regarding this case. You are to apply only that law in arriving at your verdict. Would you be able to follow and apply the law as defined by the Court even if you disagreed with any portion of it, or if you thought that the law should be different?

12. You will be instructed that you are to arrive at your verdict without any consideration of what the penalty or sentence should be. Are you capable of considering the evidence and arriving at a verdict without any consideration of any possible penalty or sentence?

13. There are two parties to this lawsuit, the government and the defendant. Do any jurors have feeling of any kind that would tend to favor either party to the point they would be unable to render a fair verdict based on the evidence?

## **II. CASE SPECIFIC QUESTIONS**

14. Have any of you heard of the following entities: (a) the Department of Metropolitan Development; (b) the Land Bank; (c) The Indianapolis Minority AIDS Coalition; (d) New Day Residential Development, Inc.? If yes, please describe your level of familiarity with each entity.

15. Some of the witnesses that the government will call to testify have pled guilty to a crime. As part of the witness' plea agreement, the government will recommend that the witness receive a reduced sentence in return for his cooperation in this matter. Would any of you automatically disbelieve the witness' testimony because of the plea agreement? In determining whether to accept a witness' testimony, the central issue is not whether you like or respect the witness, but whether you believe the witness. Do any of you disagree with this proposition?

16. The government is charged with upholding the law without consideration of the race, gender, or ethnicity of the defendant or the alleged victim. Do you agree with that statement? Why or why not? Do any of you believe the government should not seek to bring criminal charges where the alleged victim of crime is of Hispanic descent? Should individuals who commit crimes against illegal aliens also be held responsible? Why or why not?

Respectfully submitted,

JOSH J. MINKLER  
United States Attorney

By: /s/ Bradley A. Blackington  
Bradley A. Blackington  
Assistant United States Attorney

By: /s/ Cynthia J. Ridgeway  
Cynthia J. Ridgeway  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2015, a copy of the foregoing Government's Tender of Proposed Voir Dire Questions was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system.

/s/ Cynthia J. Ridgeway

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